IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA TREASURY CORP.	§	
	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL ACTION NO. 2:06-CV-72 (DF)**
	§	
WELLS FARGO and COMPANY, et al.,	§	
	§	
Defendants.	§	
	§	

ORDER

Currently before the Court is Defendant UnionBanCal's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(2) (Doc. No. 83); Defendant First Citizen Bancshare, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (Doc. No. 84); and Defendant HSBC North America Holding, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (Doc. No. 85). Following the filing of these motions, Plaintiff Datatreasury filed a motion to authorize jurisdictional discovery against each of these three Defendants. *See* Doc. Nos. 213, 214, 215. On December 8, 2006, Magistrate Judge Carolyn Craven granted Plaintiff's motions. *See* Doc. No. 394. Judge Craven's order also ordered "that Plaintiff may file an amended response to each Defendant's motion to dismiss . . . if warranted." *See id.* at 1-2. Plaintiff did file an amended response to each of the motions to dismiss, but also filed additional motions to compel certain discovery from the Defendants. *See* Doc. Nos. 522, 523, 524.

On March 15, 2007, Judge Craven granted the motions to compel in part. *See* Doc. No. 597. In order to streamline and narrow the various issues surrounding the Defendants' motions, the Court

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hereby **DISMISSES WITHOUT PREJUDICE TO REFILING** the three pending motions to dismiss. Following the conclusion of the new round of jurisdictional discovery, Defendants shall have thirty (30) days in which they may refile their motions or otherwise file an answer. Until such date, the deadline to answer shall remain tolled as to these three Defendants. Any necessary responsive and reply briefing shall proceed under the local rules. It is so **ORDERED**.

SIGNED this 22nd day of March, 2007.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE